

REMARKS

Claims 1 through 17, 19 through 35, 37 through 53, 55 through 71, and 73 are pending in this application. The undersigned proposes amending claims 1, 19, 37, 55, and 73. Support for the amendments may be found, for example, at paragraphs [0116] through [0119] of the present application.

Rejections Under 35 U.S.C. § 102(e)

Claims 1 through 8, 12 through 15, 17, 19 through 26, 30 through 33, 35, 37 through 44, 48 through 51, 53, 55 through 62, 66 through 69, 71, and 73 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. patent publication 2004/0001105 ("Chew"). Reconsideration is respectfully requested.

Claim 1 is directed to a user interface system, comprising:

a plurality of logical buttons and their physical equivalents,

wherein said **physical equivalents are arranged symmetrically in a multi-dimensional manner suggesting that a functionality of the physical equivalents is logically interrelated and determinable from a physical layout of the physical equivalents**, and

wherein said physical equivalents map to a corresponding plurality of asymmetrical **logical buttons, the asymmetrical logical buttons being logically unrelated to each other**. (emphasis added).

In order for a prior art reference to anticipate this claim, or render it obvious, the recited language and its combination in the recited arrangement must be taught by the prior art. The undersigned respectfully submits that the cited references do not teach the recited language and cannot possibly teach or even suggest the recited combination.

Chew discloses a method and system for presenting menu commands for selection. According to Chew, a two-dimensional menu 410 of commands is provided. (Abstract). Pressing and holding a menu button 404 causes the command menu 410 to be displayed. (*Id.*) Directional control button 406 is used to change the selection in command menu 410 and scroll the display if more commands are available than presently displayed. (*Id.*) Releasing menu button 404 invokes the command that was then selected in menu 410. (*Id.* at ¶ 0036).

“Other” button 418 is used to cancel the command that may be selected at the particular time on menu 410. (*Id.* at ¶ 0040).

In the office action issued September 27, 2007, the office argues that buttons 404 and 418 are symmetrical. Applicants respectfully disagree. Buttons 404 and 418 are **not** “arranged symmetrically in a multi-dimensional manner suggesting that a functionality of the physical equivalents is logically interrelated and determinable from a physical layout of the physical equivalents.” Rather, button 404 and button 418 are completely isolated from each other on the interface of device 400. Indeed, button 404 and button 418 sit on opposite sides of a four dimensional button 406. Buttons 404 and 418 **do not** “*suggest[] that a functionality of the [buttons] is logically interrelated and determinable from a physical layout of the [buttons].*”

The Office suggests that buttons 404 and 418 are comparable to the buttons depicted in figures 7C and 20B of the application and therefore symmetrical. We respectfully disagree. The buttons depicted in Figures 7C and 20B are horizontally arranged and spaced closely together with no intervening buttons or space. This arrangement suggest that their functionality is logically interrelated. In contrast, Chew’s arrangement of buttons 404 and 418 which are spaced apart and separated by a non-aligned button 406 does **not** suggest the functionality is logically related. In fact, the functionality of the two buttons is **not** logically interrelated. Furthermore, we note that claim 1 has been amended to recite “**said physical equivalents are arranged symmetrically in a multi-dimensional manner.**” Buttons 404 and 418 are not arranged in a multi-dimensional manner.

Therefore, because Chew does not teach or suggest all of the recited language of the claim, it cannot possibly anticipate claim 1. Independent claims 19, 37, 55, and 73 are not anticipated or rendered obvious by similar logic.

We note that Chew does not teach or suggest numerous of the dependent claims. For example, claim 5 defines a user interface as defined in claim 1,

wherein **said physical equivalents are arranged symmetrically in a multi-dimensional manner suggesting that a functionality of the physical equivalents is logically interrelated and determinable from a physical layout of the physical equivalents, and**

wherein **said physical equivalents map to a corresponding plurality of asymmetrical logical buttons, the asymmetrical logical buttons being logically unrelated to each other.** (emphasis added).

further wherein:

in regard to the plurality of logical buttons and their physical equivalents, **the physical equivalents comprise a four-button diamond arrangement.**

The Office suggests that the control button 406 of Chew anticipates this claim. Applicants respectfully disagree. In the system taught by Chew, directional control button 406 contains arrow designations and depressing the button on the arrow designation moves the cursor in the direction of the depressed arrow. Therefore, directional control button 406 might be said to be symmetrical, *i.e.* it is physically arranged to suggest that the functionality of the buttons are logically interrelated and determinable from the physical layout. However, Chew does *not* teach that directional control button 406 maps to a corresponding plurality of **asymmetrical logical buttons being logically unrelated to each other.** Rather, directional control button 406 maps to logical control of the selection cursor on display 402 and the control is entirely *symmetrical*. Specifically, the cursor in display 402 moves in the direction corresponding to the directional arrows of control button 406. Thus, Chew fails to teach “physical equivalents [being] arranged symmetrically, and . . . said physical equivalents [mapping] to a corresponding plurality of **asymmetrical logical buttons . . . logically unrelated to each other.**” Indeed, by teaching a directional control button 406 that is arranged symmetrically and whose logical operation is entirely symmetrical, Chew actually teaches away from the system of claim 1 that recites physical buttons arranged symmetrically mapped to logical buttons that are **asymmetrical**.

Therefore, because the control button 406 of Chew is not a symmetrically arranged four-button diamond arrangement wherein the plurality of logical buttons are asymmetrical,

Chew does not anticipate claim 5. For similar reasons, claims 6, 7, 8, 12, 13, 14, 15, 23, 24, 25, 26, 41, 42, 43, 59, 60, and 61 are not anticipated by the control button 406 of Chew.

Reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(e) is respectfully requested.

Rejections Under 35 U.S.C. § 103(a)

Claims 9 through 11, 27 through 29, 45 through 47, and 63 through 65 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chew in view of U.S. patent 6,556,150 ("McLoone"). Reconsideration is respectfully requested.

It is respectfully submitted that the Chew reference can **not** be cited as a reference against the present application under 35 U.S.C. § 103. Under 35 U.S.C. § 103(c)(1), "[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, **shall not preclude patentability under this section** where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or **subject to an obligation of assignment to the same person.**" Here, the Chew reference qualifies as prior art only under 35 U.S.C. § 102(e). Furthermore, the Chew reference is assigned to Microsoft Corporation. (See attached PTO Assignment database printout). But Microsoft Corporation is *also the assignee of the present application*. Thus, both the Chew reference and the present application are assigned to the same legal entity. Accordingly, under 35 U.S.C. § 103(c)(1), the Chew reference cannot preclude patentability under 35 U.S.C. § 103(a). Withdrawal of the rejection is respectfully requested.

DOCKET NO.: MSFT-3473/304031.02

Application No.: 10/765,742

Office Action: September 27, 2007 / Advisory: December 27, 2007

PATENT

REPLY FILED UNDER EXPEDITED

PROCEDURE PURSUANT TO

37 CFR § 1.116

CONCLUSION

The undersigned respectfully submits that pending claims are allowable and the application in condition for allowance. A Notice of Allowance is respectfully solicited.

Examiner Muhebbulah is invited to call the undersigned in the event a telephone interview will advance prosecution of this application.

Date: March 27, 2008

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Patent Assignment Abstract of Title

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Total Assignments: 1

Patent #: NONE **Issue Dt:** **Application #:** 10187195 **Filing Dt:** 06/28/2002
Publication #: 20040001105 **Pub Dt:** 01/01/2004
Inventors: Chee H. Chew, Justin M. Maguire
Title: METHOD AND SYSTEM FOR PRESENTING MENU COMMANDS FOR SELECTION

Assignment: 1

Reel/Frame: 013073/0340 **Recorded:** 06/28/2002 **Pages:** 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

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